

# EXHIBIT 3


Re: [FWD: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)]

jsbaih@sbaihlaw.com <jsbaih@sbaihlaw.com>

Mon 7/3/2023 5:28 PM

To: Michael Balaban <mbalaban@balaban-law.com>

Cc: iolevic@sbaihlaw.com <iolevic@sbaihlaw.com>

 1 attachments (149 KB)

Notice of Attorney Lien (IOS).pdf;

Mr. Balaban...we do not appreciate the tone and tenor of your email below. A copy of the lien, which is attached, was perfected pursuant to NRS 18.015. Indeed, Mr. Colvin's lack of candor (about the existence of the lien) is the same reason we decided to withdraw from representing him. Contrary to your statement below, our ability and record of handling employment matters is impressive.

Since you appear to be an unreasonable person, there is no need to have any further discussion with you. We will proceed with filing a Motion to Adjudicate the lien.

Best regards,

Jesse M. Sbaih, Esq.

JESSE SBAIH & ASSOCIATES, LTD.

The District at Green Valley Ranch

170 South Green Valley Parkway, Suite 280

Henderson, Nevada 89012

Tel: (702) 896-2529

Fax: (702) 896-0529

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**From:** Michael Balaban <mbalaban@balaban-law.com>

**Sent:** Monday, July 3, 2023 10:57 AM

**To:** jsbaih@sbaihlaw.com <jsbaih@sbaihlaw.com>

**Cc:** iolevic@sbaihlaw.com <iolevic@sbaihlaw.com>

**Subject:** Re: [FWD: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)]

Mr. Sbaih:

I am responding to your email. I have been out of town at the state bar conference in New York and the employer's lawyers conference in Chicago. I didn't know you were claiming a lien until I received your email. Before I substituted in the case one of the first things I asked Mr. Colvin was whether there were any liens on the case including a lien from your firm and he said there were not. Also, the court's docket

sheet gives no notice of a lien. As you should know NRS sec. 18.015(3) provides that an attorney's lien must be perfected by serving notice in writing, in person or by certified mail return receipt requested upon the client and if applicable upon the party against whom the client has a cause of action against. I don't know if that was done here but even if it was, no notice was given to me upon my substitution into the case as was required. *See Cohen v. Gold*, 2018 WL 1308945, \*3 (D. Nev. March 12, 2018). Thus, I had *no* notice that a lien was being claimed by your firm and now all the funds have been distributed and the case has been dismissed. Finally, even if your firm had an enforceable attorney's lien it must be reasonable. From what I know you had the case for short time, refused to take any depositions and told Mr. Colvin that employment law wasn't an area your firm was well versed in. This being the case, your claim for \$10,000 seems excessive since your firm did minimal work on the case, chose to withdraw from the case opposed to the client subbing you out and your competence in the area of employment law seems arguable at best. But bottom line I had no notice of the claim, the funds have already been distributed and I can't see Mr. Colvin agreeing to pay any of the funds he received to your firm (nor of course will I). So if you choose to pursue the matter from here, which in my experience is rarely done by an attorney who chooses to withdraw from a case (opposed to a client firing the attorney), I will vigorously oppose any motion or other action you choose to file.

Sincerely yours,

Michael P. Balaban  
LAW OFFICES OF MICHAEL P. BALABAN  
10726 Del Rudini Street  
Las Vegas, NV 89141-4216  
(702)586-2964  
Fax (702)586-3023

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**From:** jsbaih sbaihlaw.com <jsbaih@sbaihlaw.com>  
**Sent:** Friday, June 16, 2023 12:25 PM  
**To:** Michael Balaban <mbalaban@balaban-law.com>  
**Cc:** iolevic sbaihlaw.com <iolevic@sbaihlaw.com>  
**Subject:** Fw: [FWD: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)]

Dear Mr. Balaban:

I hope all is well. Please see the email chain below regarding our firm's attorney lien in the above-referenced matter. Please advise when we can expect payment of the \$10,000.00 lien.

Best regards,

Jesse M. Sbaih, Esq.  
JESSE SBAIH & ASSOCIATES, LTD.  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite 280  
Henderson, Nevada 89012  
Tel: (702) 896-2529

Fax: (702) 896-0529

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**From:** Robert L. Rosenthal <[rrosenthal@howardandhoward.com](mailto:rrosenthal@howardandhoward.com)>

**Sent:** Monday, June 5, 2023 11:07 AM

**To:** iolevic@sbaihlaw.com <[iolevic@sbaihlaw.com](mailto:iolevic@sbaihlaw.com)>; Martin A. Little <[MAL@h2law.com](mailto:MAL@h2law.com)>

**Cc:** jsbaih@sbaihlaw.com <[jsbaih@sbaihlaw.com](mailto:jsbaih@sbaihlaw.com)>; jdavidson@sbaihlaw.com <[jdavidson@sbaihlaw.com](mailto:jdavidson@sbaihlaw.com)>; Barbara Dunn <[bdunn@HowardandHoward.com](mailto:bdunn@HowardandHoward.com)>

**Subject:** RE: [FWD: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)]

Hi Ines,

As you know, a formal, court-approved settlement was reached between the parties. Therefore, if you want to try to collect any money from your lien, you will have to demand payment from plaintiff and his most recent attorney, Michael Balaban, not from our client, the Defendant in this case, MJ Dean.

Best,

Rob

**Howard & Howard**  
law for business

**Robert L. Rosenthal**  
Attorney and Counselor

3800 Howard Hughes Pkwy, STE 1000, Las Vegas, NV 89169

D: 702.667.4809 | F: 702.567.1568

[rrosenthal@howardandhoward.com](mailto:rrosenthal@howardandhoward.com) | [Bio](#) | [vCard](#) | [LinkedIn](#)

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**From:** iolevic@sbaihlaw.com <[iolevic@sbaihlaw.com](mailto:iolevic@sbaihlaw.com)>

**Sent:** Thursday, June 1, 2023 6:06 PM

**To:** Robert L. Rosenthal <[rlr@h2law.com](mailto:rlr@h2law.com)>; Martin A. Little <[mal@h2law.com](mailto:mal@h2law.com)>

**Cc:** jsbaih@sbaihlaw.com; jdavidson@sbaihlaw.com

**Subject:** RE: [FWD: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)]

**CAUTION: EXTERNAL EMAIL**

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Counsel,

I hope you are well. I have not received a response to my inquiry. Please advise when we can expect payment in accordance with our firm's attorney lien. Thank you.

Best regards,

Ines Olevic-Saleh, Esq.  
JESSE SBAIH & ASSOCIATES, LTD.  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite 280  
Henderson, Nevada 89012  
Tel: (702) 896-2529  
Fax: (702) 896-0529

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----- Original Message -----

Subject: [FWD: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)]

From: <[iolevic@sbaihlaw.com](mailto:iolevic@sbaihlaw.com)>

Date: Thu, May 11, 2023 3:29 pm

To: "rlr@h2law.com" <[rlr@h2law.com](mailto:rlr@h2law.com)>, "mal@h2law.com" <[mal@h2law.com](mailto:mal@h2law.com)>

Cc: "jdbaih@sbaihlaw.com" <[jdbaih@sbaihlaw.com](mailto:jdbaih@sbaihlaw.com)>,

"jddavidson@sbaihlaw.com" <[jddavidson@sbaihlaw.com](mailto:jddavidson@sbaihlaw.com)>

Counsel,

I hope all is well. It is my understanding that the *Colvin v. M.J. Dean Construction, Inc.* matter settled. Please advise when we can expect payment pursuant to the attorney lien served on July 1, 2021 (see below email) and also attached to this email for your convenience.

Best regards,

Ines Olevic-Saleh, Esq.  
JESSE SBAIH & ASSOCIATES, LTD.  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite 280  
Henderson, Nevada 89012  
Tel: (702) 896-2529  
Fax: (702) 896-0529

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----- Original Message -----

Subject: Colvin v. M.J. Dean Construction, Inc. (NOTICE OF ATTORNEY LIEN)

From: <[jdbaih@sbaihlaw.com](mailto:jdbaih@sbaihlaw.com)>

Date: Thu, July 01, 2021 10:04 am

To: "office@danielmarks.net" <[office@danielmarks.net](mailto:office@danielmarks.net)>

Cc: "rlr@h2law.com" <[rlr@h2law.com](mailto:rlr@h2law.com)>, "mal@h2law.com" <[mal@h2law.com](mailto:mal@h2law.com)>, "pc681@yahoo.com" <[pc681@yahoo.com](mailto:pc681@yahoo.com)>, "Ines Olevic-Saleh" <[iolevic@sbaihlaw.com](mailto:iolevic@sbaihlaw.com)>, "Jesse Sbaih" <[jsbaih@sbaihlaw.com](mailto:jsbaih@sbaihlaw.com)>

Counsel,

I hope all is well. Please find attached Notice of Jesse Sbaih & Associates, Ltd.'s Attorney lien in relation to the above-referenced matter.

Best Regards,

**Jennifer Davidson**

**Executive Legal Assistant/Office Manager**

Jesse M. Sbaih, Esq. & Ines Olevic-Saleh, Esq.

JESSE SBAIH & ASSOCIATES, LTD.

The District at Green Valley Ranch

170 South Green Valley Parkway, Suite 280

Henderson, Nevada 89012

Tel: (702) 896-2529

Fax: (702) 896-0529

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